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10 UNITED STATES DISTRICT COURT
11 FOR THE CENTRAL DISTRICT OF CALIFORNIA
12 WESTERN DIVISION

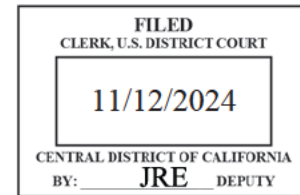
13 UNITED STATES OF AMERICA and
14 the STATE OF CALIFORNIA *ex rel.*
[UNDER SEAL],

15 Plaintiff[s],

16 v.

17 [UNDER SEAL],

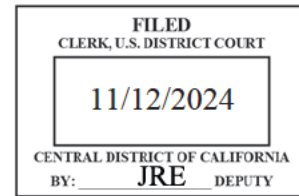
18 Defendant[s].
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No. LACV23-01233-RGK-JPRx

SEALED DOCUMENT

**[FILED UNDER SEAL PURSUANT TO
THE FALSE CLAIMS ACT, 31 U.S.C.
§§ 3730(b)(2) AND (3)]**



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UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

UNITED STATES OF AMERICA and
the STATE OF CALIFORNIA *ex rel.*
MICHAEL S. LEE, M.D.,

Plaintiffs,

v.

REGENTS OF THE UNIVERSITY OF
CALIFORNIA; UNIVERSITY OF
CALIFORNIA, LOS ANGELES; and
UNIVERSITY OF CALIFORNIA, LOS
ANGELES RONALD REAGAN
MEDICAL CENTER,

Defendants.

No. LACV23-01233-RGK-JPRx

NOTICE OF ELECTION BY THE
UNITED STATES AND CALIFORNIA
TO DECLINE INTERVENTION

**[FILED UNDER SEAL PURSUANT TO
THE FALSE CLAIMS ACT, 31 U.S.C.
§§ 3730(b)(2) AND (3)]**

[LODGED CONCURRENTLY UNDER
SEAL: [PROPOSED] ORDER RE
UNSEALING OF CASE]

1 Pursuant to the federal False Claims Act, 31 U.S.C. § 3730(b)(4)(B), and the
2 California False Claims Act, Cal. Gov. Code § 12652(a)(3)(B), the United States of
3 America (“United States”) and the State of California (“California”) (together, the
4 “Governments”) notify the Court of their decision not to intervene in the above-
5 captioned action (“this action”).

6 Although the Governments decline to intervene, we respectfully refer the Court to
7 31 U.S.C. § 3730(b)(1), which allows the *qui tam* plaintiff Michael S. Lee, M.D. (the
8 “relator”) to maintain this action in the name of the United States, provided, however,
9 that the “action may be dismissed only if the court and the Attorney General give written
10 consent to the dismissal and their reasons for consenting.” *Id.* The United States Court
11 of Appeals for the Ninth Circuit has held that, notwithstanding this language, the United
12 States has the right only to a hearing when it objects to a settlement or dismissal of the
13 action. *U.S. ex rel. Green v. Northrop Corp.*, 59 F.3d 953, 959 (9th Cir. 1995); *U.S. ex*
14 *rel. Killingsworth v. Northrop Corp.*, 25 F.3d 715, 723-25 (9th Cir. 1994). California
15 Government Code § 12652(c)(1) similarly provides that “the action may be dismissed
16 only with the written consent of the court and the Attorney General or prosecuting
17 authority of a political subdivision.” Therefore, the Governments request that, should
18 either the relator or the defendants propose that this action be dismissed, settled, or
19 otherwise discontinued, the parties provide the Governments with notice of the same,
20 and the Court provide the Governments with an opportunity to be heard before ruling or
21 granting its approval.

22 Furthermore, pursuant to 31 U.S.C. § 3730(c)(3) and California Government Code
23 § 12652(f)(1), the Governments request that all pleadings filed in this action be served
24 upon the Governments; the Governments also request that orders issued by the Court in
25 this action be sent to the Governments’ counsel. The Governments reserve their right to
26 order any deposition transcripts, to intervene in this action, for good cause, at a later
27 date, and to seek the dismissal of this action or any claims therein. The Governments
28 also request that they be served with all notices of appeal in this action.

1 Finally, the Governments request that the Relator's Complaint, this Notice, and
2 the accompanying proposed Order be unsealed. The Governments further request that all
3 other papers filed or lodged to date in this action should remain permanently under seal
4 because such papers were provided by law to the Court alone for the sole purpose of
5 discussing the content and extent of the Governments' investigation, and, thereby,
6 evaluating whether the seal and time for making an election to intervene should be
7 extended.

8 A proposed order is lodged concurrently herewith.

9 Respectfully submitted,

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11 Dated: November 7, 2024

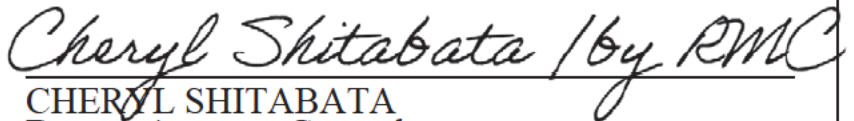
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15 ROSS M. CUFF
16 Assistant United States Attorney
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Attorneys for the United States of America

18 Dated: November 7, 2024

ROB BONTA
Attorney General for the State of California

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20 

21 CHERYL SHITABATA
22 Deputy Attorney General
23 Division of Medi-Cal Fraud & Elder Abuse
24 California Department of Justice
25
26
27
28

PROOF OF SERVICE BY EMAIL

I am over the age of 18 and not a party to the above-captioned action. I am employed by the Office of United States Attorney, Central District of California. My business address is 300 North Los Angeles Street, Suite 7516, Los Angeles, California 90012.

On November 7, 2024, I served the NOTICE OF ELECTION BY THE UNITED STATES AND CALIFORNIA TO DECLINE INTERVENTION on each person or entity named below by email pursuant to Federal Rule of Civil Procedure 5(b)(2)(E).

Date of emailing: November 7, 2024. Place of emailing: Los Angeles, California.

Person(s) and/or Entity(s) to whom emailed:

Nick Jurkowitz
(njurkowitz@fjlawgroup.com)
Anne Schneider
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Fenton Jurkowitz Law Group LLP
Attorneys for Relator Michael S. Lee, M.D.

Cheryl Shitabata
(Cheryl.Shitabata@doj.ca.gov)
Attorney for Plaintiff State of California

I declare that I am a member of the bar of this Court.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 7, 2024, at Los Angeles, California.


ROSS M. CUFF